

# State of South Dakota

SEVENTY-EIGHTH SESSION  
LEGISLATIVE ASSEMBLY, 2003

400I0585

## SENATE BILL NO. 129

Introduced by: The Committee on State Affairs at the request of the Governor

1 FOR AN ACT ENTITLED, An Act to increase certain fees charged by the Office of the  
2 Secretary of State.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 1-8-10 be amended to read as follows:

5 1-8-10. The secretary of state shall charge the following fees for services performed in the  
6 Office of the Secretary of State and shall collect the fees in advance:

7 (1) For filing, recording, and safekeeping of any instrument or paper required by law to  
8 be filed and recorded in the office, one dollar per page;

9 (2) For making a copy or transcript of any record, instrument, or paper, except campaign  
10 finance reports, on file in the office, one dollar per page;

11 (3) For filing and safekeeping of any instrument or paper required by law to be filed only,  
12 one dollar; except the oath of office of members of the Legislature and legislative  
13 officers, employees and governmental officers, employees and agencies, for which  
14 there is no fee;

15 (4) For each commission, requisition, passport, or other document, signed by the  
16 Governor and attested by the secretary of state, under the great seal of the state,



1           except commissions issued for executive appointment and extraditions, and making  
2           the proper record for the same, five dollars;

3       (5)   For filing application, bond, and issuing commission of notary public, ~~ten~~ twenty-five  
4           dollars;

5       (6)   For official certificate, attestation, and impression of the great seal, ~~two~~ five dollars;

6       (7)   For filing or recording any other instrument or document, one dollar; and

7       (8)   For a certified copy of any document, instrument, or paper on file in the office, one  
8           dollar per page and ~~five~~ ten dollars for the certificate and affixing the seal;

9       ~~—(9)—~~ For making a copy of any campaign finance report, ~~thirty cents per page for the first~~  
10           ~~ten pages and ten cents per page for each page thereafter.~~

11       However, there is no fee to any state government agency pursuant to ~~subdivisions (1), (2),~~  
12       ~~and (9)~~ subdivision (1) or (2).

13       Section 2. That § 1-8-12 be amended to read as follows:

14       1-8-12. The secretary of state shall charge a fee of ~~ten~~ twenty dollars for expedited services.

15       Section 3. That § 2-12-3 be amended to read as follows:

16       2-12-3. Each lobbyist who registers and is employed pursuant to this chapter shall pay to the  
17       secretary of state an annual registration fee of ~~twenty-five~~ thirty-five dollars for each employer  
18       represented by ~~him~~ the lobbyist. Upon payment, ~~his~~ the lobbyist's name shall be registered by the  
19       secretary of state in the directory provided by § 2-12-2, and ~~he~~ the lobbyist is entitled to one  
20       copy of the official directory of the current year's legislative session. A fee of ten dollars may be  
21       charged for a weekly copy of an updated directory of lobbyists. All fees collected shall be  
22       deposited by the secretary of state with the state treasurer and credited to the general fund.

23       Any lobbyist who registers pursuant to this section is exempt from the one dollar filing fee  
24       prescribed in subdivision 1-8-10(3).

Section 4. That § 15-7-7 be amended to read as follows:

15-7-7. Service of process as authorized by § 15-7-6 shall be made by serving a copy thereof upon the secretary of state, or by filing ~~such the~~ copy in the office of ~~said the~~ secretary of state, together with payment of a fee of ~~two ten~~ dollars, ~~and such~~. ~~The~~ service shall be sufficient service upon the absent resident or the nonresident or ~~his the~~ resident's or nonresident's personal representative; ~~provided that if the~~ notice of ~~such the~~ service and a copy of the process are within ten days thereafter sent by mail by the plaintiff to the defendant at ~~his the~~ defendant's last-known address and that the plaintiff's affidavit of compliance with the provisions of this section is attached to the summons. The secretary of state shall keep a record of ~~all such any~~ process so served ~~which~~. ~~The record~~ shall show the day and hour of such service. The fee of ~~two ten~~ dollars paid by the plaintiff to the secretary of state at the time of service of ~~such the~~ process shall be ~~taxed in his cost~~ recovered as taxable costs if ~~he the~~ plaintiff prevails in the suit.

Section 5. That § 15-7-14 be amended to read as follows:

15-7-14. ~~Such The~~ service of process as authorized by § 15-7-13 shall be made by filing in the Office of the Secretary of State a copy of ~~such the~~ process and payment to ~~such the~~ secretary of state a fee of ~~two ten~~ dollars and shall be completed by the plaintiff, ~~his or the~~ plaintiff's agent or attorney within ten days after ~~such the~~ filing, forwarding to the defendant, or ~~his the~~ defendant's personal representative, by registered or certified mail at the defendant's last known post office address, or the last known post office address of defendant's personal representative, notice of such service and a copy of the process. In lieu of such mailing ~~such the~~ process may be served upon the defendant or ~~his the~~ defendant's personal representative personally without the state at any time within thirty days after ~~such the~~ filing of ~~such the~~ process. The time within which the defendant or ~~his the~~ defendant's personal representative may appear ~~shall does~~ not commence to run until ~~such the~~ mailing or ~~such the~~ personal service without the state. The

1 secretary of state shall keep a record of ~~all such~~ any process so served, ~~such~~ the record to show  
2 the day and hour of ~~such~~ the service. The fee of ~~two~~ ten dollars paid by the plaintiff to ~~such~~ the  
3 secretary of state shall be ~~taxed in his costs~~ recovered as taxable costs if ~~he~~ the plaintiff prevails.

4 Section 6. That § 18-1-1 be amended to read as follows:

5 18-1-1. The secretary of state shall appoint ~~one or more~~ notaries public, who shall hold office  
6 for six years unless sooner removed by the secretary of state. An applicant to become a notary  
7 public shall complete an application form as prescribed by the secretary of state pursuant to  
8 chapter 1-26. The applicant shall submit a fee of ~~ten~~ twenty-five dollars. The application shall  
9 include the applicant's name, street, city, state, zip code, county, and date of birth. The applicant  
10 shall apply in the same name as that which will appear as the seal imprint. Each notary may,  
11 anywhere in this state, administer oaths and perform all other duties required by law. The  
12 secretary of state may not appoint as a notary public any person who has been convicted of a  
13 felony.

14 Section 7. That § 37-6-5 be amended to read as follows:

15 37-6-5. Subject to the limitations set forth in §§ 37-6-6 to 37-6-11, inclusive, any person who  
16 adopts and uses a mark in this state may file in the Office of the Secretary of State, on a form to  
17 be furnished by the secretary of state, an application for registration of that mark setting forth  
18 the following information:

- 19 (1) The name and business address of the person applying for the registration; and, if a  
20 corporation, the state of incorporation;
- 21 (2) The goods or services in connection with which the mark is used and the mode or  
22 manner in which the mark is used in connection with the goods or services and the  
23 class in which the goods fall;
- 24 (3) The date when the mark was first used anywhere and the date when it was first used

1 in this state by the applicant or the applicant's predecessor in business; and

2 (4) A statement that the applicant is the owner of the mark and that no other person has  
3 the right to use the mark in this state either in the identical form thereof or in such  
4 near resemblance thereto as might be calculated to deceive or to be mistaken therefor.

5 The application shall be signed under oath by the applicant or by a member of the firm or an  
6 officer of the corporation or association applying. The application shall be accompanied by a  
7 specimen or facsimile of the mark in triplicate. The application for registration shall be  
8 accompanied by a filing fee of ~~fifty~~ one hundred dollars, payable to the secretary of state.

9 Section 8. That § 37-6-14 be amended to read as follows:

10 37-6-14. Registration of a mark under § 37-6-13 is effective for a term of four years from  
11 the date of registration. Upon application filed within six months prior to the expiration of the  
12 term, on a form to be furnished by the secretary of state, the registration may be renewed for a  
13 like term. A renewal fee of ~~fifty~~ one hundred dollars, payable to the secretary of state, shall  
14 accompany the application for renewal of the registration. A mark registration may be renewed  
15 for successive periods of four years in like manner.

16 Section 9. That § 37-6-17 be amended to read as follows:

17 37-6-17. A mark and its registration under § 37-6-13 is assignable with the good will of the  
18 business in which the mark is used, or with that part of the good will of the business connected  
19 with the use of and symbolized by the mark. Assignment shall be by instruments in writing duly  
20 executed and may be recorded with the secretary of state upon the payment of a fee of ~~fifty~~ one  
21 hundred dollars payable to the secretary of state ~~who, upon~~. Upon recording of the assignment,  
22 the secretary of state shall issue in the name of the assignee a new certificate for the remainder  
23 of the term of the registration or of the last renewal thereof. An assignment of any registration  
24 under § 37-6-13 is void as against any subsequent purchaser for valuable consideration without

notice unless it is recorded with the secretary of state within three months after the date thereof or prior to ~~such~~ the subsequent purchase.

Section 10. That § 43-27-1 be amended to read as follows:

43-27-1. The owner of any farm, ranch, or home in this state may, upon the payment of ~~one dollar~~ ten dollars to the secretary of state, have the name of ~~such~~ the farm, ranch, or home entered and recorded in a register, ~~which the~~ The secretary of state shall keep ~~for such purpose,~~ and thereupon such owner shall be by such officer furnished the register and furnish the owner a certificate setting forth the name and location of the farm, ranch, or home and the name of ~~such~~ the owner.

Section 11. That § 43-44-6 be amended to read as follows:

43-44-6. The fee of the secretary of state for filing the application and issuing certificate of registration, alteration, or cancellation shall be ~~five~~ fifty dollars.

The fee for filing any assignment or other transfer of registration shall be ~~one dollar~~ ten dollars.

The fee for searches, certified copies, and other official acts of the secretary of state, required under the provisions of this chapter, shall be the same as provided by law for similar services except as otherwise specifically provided in this chapter.

Section 12. That § 47-9-7 be amended to read as follows:

47-9-7. The secretary of state shall charge and collect for:

(1) Filing articles of incorporation and issuing a certificate of incorporation or filing an application of a foreign corporation for a certificate of authority to transact business in this state and issuing the certificate:

Authorized capital stock of \$25,000 or less	\$ <del>90</del> <u>100</u>
Over \$25,000 and not exceeding 100,000	<del>110</del> <u>125</u>

1	Over \$100,000 and not exceeding 500,000	<del>130</del> <u>200</u>
2	Over \$500,000 and not exceeding 1,000,000	<del>150</del> <u>300</u>
3	Over \$1,000,000 and not exceeding 1,500,000	<del>200</del> <u>400</u>
4	Over \$1,500,000 and not exceeding 2,000,000	<del>250</del> <u>500</u>
5	Over \$2,000,000 and not exceeding 2,500,000	<del>300</del> <u>600</u>
6	Over \$2,500,000 and not exceeding 3,000,000	<del>350</del> <u>700</u>
7	Over \$3,000,000 and not exceeding 3,500,000	<del>400</del> <u>800</u>
8	Over \$3,500,000 and not exceeding 4,000,000	<del>450</del> <u>900</u>
9	Over \$4,000,000 and not exceeding 4,500,000	<del>500</del> <u>1,000</u>
10	Over \$4,500,000 and not exceeding 5,000,000	<del>550</del> <u>1,100</u>
11	For each additional \$500,000, <del>\$40</del> <u>\$250</u> in addition to <del>\$550</del> <u>\$1,100</u> .	

12 For purposes only of computing fees under this section, the dollar value of each  
13 authorized share having a par value shall be equal to par value and the value of each  
14 authorized share having no par value shall be equal to one hundred dollars per share.  
15 The maximum amount charged under this subdivision may not exceed sixteen  
16 thousand dollars;

17 (2) Filing articles of amendment and issuing a certificate of amendment, ~~twenty~~ fifty  
18 dollars;

19 (3) Filing restated articles of incorporation, ~~twenty~~ fifty dollars;

20 (4) Filing articles of merger or consolidation and issuing a certificate of merger or  
21 consolidation, ~~twenty~~ fifty dollars;

22 (5) Filing an application to reserve a corporate name, ~~fifteen~~ twenty dollars;

23 (6) Filing a notice of transfer of a reserved corporate name, ten dollars.

24 (7) Filing a statement of change of address of registered office or change of registered  
25 agent, or both, ten dollars;

26 (8) Filing a statement of the establishment of a series of shares, ~~twenty~~ fifty dollars;

- 1       (9)    Filing a statement of cancellation of shares, ~~twenty~~ fifty dollars;
- 2       (10)   Filing a statement of reduction of stated capital, ~~twenty~~ fifty dollars;
- 3       (11)   Filing a statement of revocation of voluntary dissolution proceedings, ten dollars;
- 4       (12)   Filing articles of dissolution, ten dollars;
- 5       (13)   Filing an application of a foreign corporation for an amended certificate of authority
- 6           to transact business in this state and issuing an amended certificate of authority,
- 7           ~~twenty~~ fifty dollars;
- 8       (14)   Filing a copy of an amendment to the articles of incorporation of a foreign
- 9           corporation holding a certificate of authority to transact business in this state, ~~twenty~~
- 10          fifty dollars;
- 11       (15)   Filing a copy of articles of merger of a foreign corporation holding a certificate of
- 12          authority to transact business in this state, ~~twenty~~ fifty dollars;
- 13       (16)   Filing an application for withdrawal of a foreign corporation and issuing a certificate
- 14          of withdrawal, ten dollars;
- 15       (17)   Filing any other statement or report except an annual report, of a domestic or foreign
- 16          corporation, ten dollars;
- 17       (18)   Filing by a domestic corporation of articles of amendment, restated articles of
- 18          incorporation, or articles of merger or consolidation in which the surviving
- 19          corporation is a domestic corporation, which provides authority to increase the
- 20          number of authorized shares of such corporation, in addition to the other fees
- 21          imposed by this section, an additional fee shall be charged as shall make, together with
- 22          the fee paid at the time of the incorporation, a total sum equal to the fee which would
- 23          be required under this section in case the corporation had been incorporated for such
- 24          total increased capitalization;

(19) Filing by a foreign corporation of articles of amendment or articles of merger when the surviving or new corporation is a foreign corporation, which articles provide authority to increase the number of authorized shares of such foreign corporation, in addition to the other fees imposed by this section, an additional fee shall be charged as shall make, together with the ~~sum that would have been~~ fee paid at the time of authorization based on the fee schedule in subdivision (1) of this section, a total sum equal to the fee which would be required under this section in the case the corporation had been authorized for such total increased capitalization;

(20) All articles of amendment or articles of merger if the surviving or new corporation is a foreign corporation shall be filed with the secretary of state within thirty days after they have been filed with the secretary of state or other proper officer of the state wherein the corporation is organized. In case of failure to so file within the time specified in this subdivision, the corporation shall pay to the secretary of state on the filing of such articles of amendment or articles of merger a penalty of twenty-five dollars;

(21) Filing an annual report of a domestic or foreign corporation, ~~twenty-five~~ thirty dollars;

(22) Each corporation, domestic or foreign, that fails or refuses to file its annual report for any year within the time prescribed by this chapter is subject to a penalty of fifty dollars to be assessed by the secretary of state;

(23) Issuing a certificate of existence, ~~ten~~ fifteen dollars;

(24) Filing articles of correction, twenty dollars.

Section 13. That § 47-9-8 be amended to read as follows:

47-9-8. The secretary of state shall charge and collect for furnishing a certified copy of any document, instrument, or paper relating to a corporation, one dollar per page and ~~five~~ ten dollars

1 for the certificate and affixing the seal thereto.

2 Section 14. That § 47-9-9 be amended to read as follows:

3 47-9-9. The secretary of state shall charge and collect, at the time of any service of process  
4 on ~~him~~ the secretary of state as resident agent of a corporation, ~~five~~ twenty-five dollars, which  
5 amount may be recovered as taxable costs by the party to the suit or action causing ~~such~~ the  
6 service to be made if ~~such~~ the party prevails in the suit or action.

7 Section 15. That § 47-20-7 be amended to read as follows:

8 47-20-7. The annual report required by § 47-20-5 shall be delivered to the secretary of state  
9 before the first day of the second month following the anniversary month of the corporation, of  
10 each year following incorporation. A fee of ~~five~~ thirty dollars shall be paid to the secretary of  
11 state for filing the report. If the report does not conform to requirements, it shall be returned to  
12 the cooperative for necessary corrections. The penalties for failure to file ~~such~~ the report do not  
13 apply if it is corrected and returned within thirty days after receipt thereof.

14 Section 16. That § 47-24-8 be repealed.

15 ~~—47-24-8. The secretary of state may grant to a corporation, upon written request, the right~~  
16 ~~to report for any other year and to file such report before the first day of the second month~~  
17 ~~following the anniversary month of the corporation.~~

18 Section 17. Section 16 of this Act is effective December 31, 2003. Section 18 of this Act is  
19 effective January 1, 2004.

20 Section 18. That § 47-24-9 be amended to read as follows:

21 47-24-9. ~~After the annual report required to be filed on or before July 1, 1981, the reporting~~  
22 ~~requirements of §§ 47-24-6 to 47-24-8, inclusive, require filing of reports only once every three~~  
23 ~~years as outlined in § 47-24-7. The reporting requirements of §§ 47-24-6 and 47-24-7 require~~  
24 filing of reports annually.

Section 19. That § 47-28-6 be amended to read as follows:

47-28-6. The secretary of state shall charge and collect for:

- (1) Filing articles of incorporation and issuing a certificate of incorporation, ~~twenty~~  
twenty-five dollars;
- (2) Filing articles of amendment and issuing a certificate of amendment, ten dollars;
- (3) Filing articles of merger or consolidation and issuing a certificate of merger or  
consolidation, ten dollars;
- (4) Filing a statement of change of address of registered office or change of registered  
agent, or both, five dollars;
- (5) Filing articles of dissolution, five dollars;
- (6) Filing an application of a foreign corporation for a certificate of authority to conduct  
affairs in this state and issuing a certificate of authority, ~~fifty~~ one hundred dollars;
- (7) Filing an application of a foreign corporation for an amended certificate of authority  
to conduct affairs in this state and issuing an amended certificate of authority, twenty  
dollars;
- (8) Filing an application for withdrawal of a foreign corporation and issuing a certificate  
of withdrawal, five dollars;
- (9) Filing any other statement or report, including an annual report, of a foreign  
corporation, ten dollars;
- (10) Filing an annual report of a domestic nonprofit corporation under chapter 47-24, ten  
dollars; and
- (11) Filing a petition for reinstatement and issuing a certificate of reinstatement, ~~twenty~~  
twenty-five dollars.

Section 20. That § 47-28-7 be amended to read as follows:

1        47-28-7. The secretary of state shall charge and collect, at the time of any service of process  
2        on ~~him~~ the secretary of state as resident agent of a corporation, ~~five~~ twenty-five dollars, which  
3        amount may be recovered as taxable costs by the party to the suit or action causing ~~such~~ the  
4        service to be made if ~~such~~ the party prevails in the suit or action.

5        Section 21. That § 47-28-8 be amended to read as follows:

6        47-28-8. The secretary of state shall charge and collect for furnishing a certified copy of any  
7        document, instrument, or paper relating to a corporation, one dollar per page, and ~~five~~ ten  
8        dollars for the certificate and affixing the seal thereto.

9        Section 22. That § 47-34-54 be amended to read as follows:

10       47-34-54. The secretary of state shall charge and collect for:

11       (1)    Filing the original articles of organization and issuing certificates of organization, in  
12           the case of a domestic limited liability company or filing, registering and issuing a  
13           certificate of authority in the case of a foreign liability company; if the total agreed  
14           contributions of the limited liability company are:

15 <del>————</del> Not in excess of \$50,000	<del>\$ 90</del>
16 <del>————</del> \$50,001 to \$100,000	<del>\$150</del>
17 <del>————</del> In excess of \$100,000	<del>\$150 for first \$100,000, plus \$.50 for each additional \$1,000</del>

18 <u>Authorized capital stock of \$25,000 or less</u>	<u>\$ 100</u>
19 <u>Over \$25,000 and not exceeding 100,000</u>	<u>125</u>
20 <u>Over \$100,000 and not exceeding 500,000</u>	<u>200</u>
21 <u>Over \$500,000 and not exceeding 1,000,000</u>	<u>300</u>
22 <u>Over \$1,000,000 and not exceeding 1,500,000</u>	<u>400</u>
23 <u>Over \$1,500,000 and not exceeding 2,000,000</u>	<u>500</u>
24 <u>Over \$2,000,000 and not exceeding 2,500,000</u>	<u>600</u>

1	<u>Over \$2,500,000 and not exceeding 3,000,000</u>	<u>700</u>
2	<u>Over \$3,000,000 and not exceeding 3,500,000</u>	<u>800</u>
3	<u>Over \$3,500,000 and not exceeding 4,000,000</u>	<u>900</u>
4	<u>Over \$4,000,000 and not exceeding 4,500,000</u>	<u>1,000</u>
5	<u>Over \$4,500,000 and not exceeding 5,000,000</u>	<u>1,100</u>
6	<u>For each additional \$500,000, \$250 in addition to \$1,100.</u>	

- 7 (2) For amending the articles of organization in the case of a domestic limited liability  
8 company or amending the registration in the case of a foreign limited liability  
9 company, a filing fee of ~~ten~~ fifty dollars; together with the appropriate fee set out in  
10 subdivision (1) of this section if the amendment is to increase the amount of capital;
- 11 (3) For filing articles of dissolution, issuing a certificate of dissolution and canceling the  
12 certificate of organization, ten dollars;
- 13 (4) For filing a statement of change of address of registered office or change of registered  
14 agent, or both, ten dollars;
- 15 (5) For filing articles of merger or consolidation, ~~ten~~ fifty dollars;
- 16 (6) An annual tax of fifty dollars, due and payable January second of each year. This tax  
17 is delinquent if not paid by February first and a penalty of fifty dollars shall also be  
18 assessed.

19 Section 23. That § 47-34A-212 be amended to read as follows:

20 47-34A-212. The secretary of state shall charge and collect for:

- 21 (a) Filing the first annual report if the total agreed contribution of the limited liability  
22 company are:

23	<del>_____ Agreed Contribution</del>	<del>Fee</del>
24	<del>_____ Not in excess of \$50,000</del>	<del>\$ 90</del>
25	<del>_____ \$50,001, to \$100,000</del>	<del>\$150</del>

1 ~~———— In excess of \$100,000~~ ~~\$150 for first \$100,000, plus \$.50 for each~~  
~~additional \$1,000~~

2	<u>Authorized capital stock of \$25,000 or less</u>	<u>\$ 100</u>
3	<u>Over \$25,000 and not exceeding 100,000</u>	<u>125</u>
4	<u>Over \$100,000 and not exceeding 500,000</u>	<u>200</u>
5	<u>Over \$500,000 and not exceeding 1,000,000</u>	<u>300</u>
6	<u>Over \$1,000,000 and not exceeding 1,500,000</u>	<u>400</u>
7	<u>Over \$1,500,000 and not exceeding 2,000,000</u>	<u>500</u>
8	<u>Over \$2,000,000 and not exceeding 2,500,000</u>	<u>600</u>
9	<u>Over \$2,500,000 and not exceeding 3,000,000</u>	<u>700</u>
10	<u>Over \$3,000,000 and not exceeding 3,500,000</u>	<u>800</u>
11	<u>Over \$3,500,000 and not exceeding 4,000,000</u>	<u>900</u>
12	<u>Over \$4,000,000 and not exceeding 4,500,000</u>	<u>1,000</u>
13	<u>Over \$4,500,000 and not exceeding 5,000,000</u>	<u>1,100</u>
14	<u>For each additional \$500,000, \$250 in addition to \$1,100.</u>	

15 The maximum amount charged under this subsection together with any subsequent  
16 payments under subsection (b) may not exceed sixteen thousand dollars. The filing fee  
17 required pursuant to this subsection is not applicable if the limited liability company  
18 has previously paid the fee required pursuant to subdivision 47-34-54(1).

19 (b) Filing any subsequent annual report that reflects additional contribution in excess of  
20 those stated in the last prior report, any additional fee necessary to make the  
21 cumulative fee match the cumulative agreed contributions as provided in subsection  
22 (a); above the agreed contributions as set forth in the last previous annual report  
23 consistent with subsection (a).

24 (c) A reporting fee of fifty dollars, due and payable with the filing of all annual report,  
25 after the first annual report required in § 47-34A-211(c).

Section 24. That § 47-34A-811 be amended to read as follows:

47-34A-811. (a) A limited liability company administratively dissolved may apply to the secretary of state for reinstatement after the effective date of dissolution. The applicant shall submit with the application the appropriate filing fee. The secretary of state shall base filing fees on the total agreed contribution of the limited liability company as provided in § 47-34A-212, plus any delinquent annual reports and fees for the period prior to the reinstatement application.

The application must:

- (1) Recite the name of the company and the effective date of its administrative dissolution;
- (2) State that the ground for dissolution either did not exist or have been eliminated;
- (3) State that the company's name satisfies the requirements of § 47-34A-105; and
- (4) Contain a certificate from the appropriate state authority reciting that all taxes owed by the company have been paid.

(b) If the secretary of state determines that the application contains the information required by subsection (a) and that the information is correct, the secretary of state shall cancel the certificate of dissolution and prepare a certificate of reinstatement that recites this determination and the effective date of reinstatement, file the original of the certificate, and serve the company with a copy of the certificate.

(c) When reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution and the company may resume its business as if the administrative dissolution had never occurred.

Section 25. That § 47-34A-1206 be amended to read as follows:

47-34A-1206. The secretary of state may charge the following fees:

- (a) For amending or restating the articles of organization in the case of a domestic limited

1 liability company or amending the registration in the case of a foreign limited liability  
2 company, a filing fee of ~~ten~~ fifty dollars;

3 (b) For filing articles of termination, ten dollars;

4 (c) For filing articles of merger, ~~ten~~ fifty dollars;

5 (d) For filing a statement of dissociation, ten dollars;

6 (e) For filing an application to reserve a name, ~~fifteen~~ twenty dollars;

7 (f) For issuing a certificate of existence, ~~ten~~ fifteen dollars;

8 (g) For filing an application for registration of name, one dollar for each month, or  
9 fraction thereof, between the date of filing such application and December thirty-first  
10 of the calendar year in which such application is filed;

11 (h) For filing an annual renewal of registration, a limited liability company which has in  
12 effect a registration of its name, may renew such registration from year to year by  
13 annually filing an application for renewal setting forth the facts required to be set forth  
14 in an original application for registration and a certificate of good standing as required  
15 for the original registration and by paying a fee of ten dollars. A renewal application  
16 may be filed between the first day of October and the thirty-first day of December in  
17 each year, and shall extend the registration for the following year;

18 (i) For acting as agent for service of process the secretary of state shall charge and  
19 collect at the time of such service ~~five~~ twenty-five dollars which may be recoverable  
20 as taxable costs by the party to the suit or action causing the service to be made if the  
21 party prevails in the suit or action.

22 Each limited liability company, domestic or foreign, that fails or refused to file its annual  
23 report for any year within the time prescribed is subject to a penalty of fifty dollars to be assessed  
24 by the secretary of state.

1 Section 26. That § 48-7-206.1 be amended to read as follows:

2 48-7-206.1. The provisions of § 1-8-10 notwithstanding, the fee for filing any document  
3 required under this chapter with the secretary of state is ~~ninety~~ one hundred dollars.

4 Section 27. That § 48-7A-1003 be amended to read as follows:

5 48-7A-1003. (a) A limited liability partnership, and a foreign limited liability partnership  
6 authorized to transact business in this state, shall file an annual report in the Office of the  
7 Secretary of State which contains:

8 (1) The name of the limited liability partnership and the state or other jurisdiction under  
9 whose laws the foreign limited liability partnership is formed;

10 (2) The street address of the partnership's chief executive office and, if different, the street  
11 address of an office of the partnership in this state, if any; and

12 (3) If the partnership does not have an office in this state, the name and street address of  
13 the partnership's current agent for service of process.

14 (b) An annual report must be filed with the secretary of state by the date specified by the  
15 secretary of state in each year following the calendar year in which a partnership files a statement  
16 of qualification or a foreign partnership becomes authorized to transact business in this state.

17 (c) The secretary of state may revoke the statement of qualification of a partnership that fails  
18 to file an annual report when due or pay the required filing fee. To do so, the secretary of state  
19 shall provide the partnership at least sixty days' written notice of intent to revoke the statement.

20 The notice must be mailed to the partnership at its chief executive office set forth in the last filed  
21 statement of qualification or annual report. The notice must specify the annual report that has  
22 not been filed, the fee that has not been paid, and the effective date of the revocation. The  
23 revocation is not effective if the annual report is filed and the fee is paid before the effective date  
24 of the revocation.

(d) A revocation under subsection (c) only affects a partnership's status as a limited liability partnership and is not an event of dissolution of the partnership.

(e) A partnership whose statement of qualification has been revoked may apply to the secretary of state for reinstatement within two years after the effective date of the revocation. The applicant shall submit with the application the filing fee of one hundred dollars, plus any delinquent annual reports and fees for the period prior to the reinstatement application. The application must state:

(1) The name of the partnership and the effective date of the revocation; and

(2) That the ground for revocation either did not exist or has been corrected.

(f) A reinstatement under subsection (e) relates back to and takes effect as of the effective date of the revocation, and the partnership's status as a limited liability partnership continues as if the revocation had never occurred.

Section 28. That § 48-7A-1208 be amended to read as follows:

48-7A-1208. The provisions of § 1-8-10 notwithstanding, the fee for filing the statements and reports provided for in the following sections with the secretary of state is as follows:

(1) Section 48-7A-303, Statement of Authority, ~~ninety~~ one hundred dollars;

(2) Section 48-7A-304, Statement of Denial, ten dollars;

(3) Section 48-7A-704, Statement of Dissociation, ten dollars;

(4) Section 48-7A-805, Statement of Dissolution, ten dollars;

(5) Section 48-7A-907, Statement of Merger, ~~ten~~ fifty dollars;

(6) Section 48-7A-1001, Statement of Qualification, ~~ninety~~ one hundred dollars;

(7) Section 48-7A-1003, Annual Report, ~~twenty-five~~ thirty dollars; and

(8) Section 48-7A-1102, Statement of Foreign Qualification, ~~ninety~~ one hundred dollars;

and

(9) Filing any other statement, ten dollars.

Each limited liability partnership, domestic or foreign, that fails or refused to file its annual report for any year within the time prescribed is subject to a penalty of fifty dollars to be assessed by the secretary of state.

Section 29. That § 57A-9-525 be amended to read as follows:

57A-9-525. (a) Except as otherwise provided in subsection (e), the fee for filing and indexing a record under this part, other than an initial financing statement of the kind described in subsection (b), is the amount specified in subsection (c), if applicable, plus:

(1) ~~Thirteen~~ Twenty dollars if the record is communicated in writing and consists of one page, and four dollars for ~~each~~ additional ~~page~~ pages. One dollar of this fee shall be deposited into the financing statement filing fee fund;

(2) ~~Eleven~~ Fifteen dollars if the record is communicated by internet. One dollar of this fee shall be deposited into the financing statement filing fee fund; and

(3) Twenty dollars if the record is communicated by another medium authorized by filing-office rule.

(b) Except as otherwise provided in subsection (e), the fee for filing and indexing an initial financing statement of the following kind is the amount specified in subsection (c), if applicable, plus:

(1) Thirty dollars if the financing statement indicates that it is filed in connection with a public-finance transaction;

(2) Thirty dollars if the financing statement indicates that it is filed in connection with a manufactured-home transaction.

(c) Except as otherwise provided in subsection (e), if a record is communicated in writing or electronically, the fee for each name more than one required to be indexed is two dollars.

(d) The fee for responding to a request for information from the filing office, including for issuing a certificate showing whether there is on file any financing statement naming a particular debtor, is:

(1) ~~Twelve~~ Twenty dollars if the request is communicated in writing; and

(2) Ten dollars if the request is communicated by ~~another medium~~ internet authorized by filing-office rule.

Upon request the filing officer shall furnish a copy of any filed financing statement or statement of assignment for a uniform fee of one dollar per page.

(e) This section does not require a fee with respect to a record of a mortgage which is effective as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut under § 57A-9-502(c). However, the recording and satisfaction fees that otherwise would be applicable to the record of the mortgage apply.

Section 30. That chapter 57A-9 be amended by adding thereto a NEW SECTION to read as follows:

The annual registration fee for the crop or livestock effective finance statement microfiche master list is one hundred twenty dollars.